



International Cadmium Association

168 Avenue de Tervueren/Box 4 • B-1150 Brussels, Belgium

Tel.: +32(0)2-777 05 61 • Fax: +32(0)2-777 05 65

Email : lregoli@cadmium.org

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Next ICdA Informational Meeting:

- The next ICdA informational meeting for members will be held on **Wednesday, May 17, 2006** at the offices of King & Spalding, in Washington, DC. The meeting will include reviews of regulatory and market issues as well as speakers from the U.S. Government and the North American Metals Council (NAMC). All ICdA members are urged to attend.

Cadmium Pigments Committee Meeting:

- The next pigment management meeting will be held on July 5th 2006 in Narbonne, France at the SLMC offices

ACTIVITY UPDATE

Regulatory Affairs – Europe

EU Cadmium and Cadmium Oxide Risk Assessment :

- Conclusion i) on Cd toxicity in very softwaters
 - Industry has the legal obligation under article 10(1) of the existing substances regulation (793/93/EC) to conduct further testing on the ecotoxicity of Cd in very softwaters.
 - Industry has consistently refused to embark in further testing, because of concerns with the technical feasibility of the test proposal. Furthermore, industry has argued that further testing would not alter the conclusions that may already be drawn for the risk assessment.
 - A further analysis has been done delineating the zones of concern (very low hardness waters) and superimposing these with the Cd concentrations.
 - This analysis provides clear conclusions for the Cd risk assessment and reinforces industry's position that there is no need for additional testing.
 - This analysis was sent to the ECB and the Belgian Rapporteur on May 2nd, 2006 for consideration.

EU Risk Reduction Strategy

- The consultants 'Ecolas' have issued a final Risk Reduction Report in April 2006.
- The measures proposed refer to the implementation of existing legislation related to sewage sludge, fertilizers (with further reductions in Cd content), IPPC and the Water Framework Directive to reduce Cd in the environment and exposure to the general population.

ICdA North America

9222 Jeffery Road, Great Falls, Virginia 22066, USA

Tel.: +1(703)759.7400 • Fax: +1(703)759.7003

E-mail : icdamorrow@aol.com



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- To reduce risks to workers the proposed strategy is the comprehensive risk management strategy put forward by industry, and to tie it in within the legislation for close control by the Commission
- The Belgian authorities will present this proposal at the next EU Risk Reduction Strategy Group meeting in June 2006.

EU Battery Directive :

- A conciliation agreement was reached on the new Battery Directive on May 2nd 2006
- The main outcome of the vote concerning cadmium are:
 - A ban of portable batteries containing Cd. Exemptions are made
 - emergency systems, medical equipment
 - NiCd batteries in cordless power tools, with a request for the Commission to review this target after four years after entry into force.
 - Industrial and automotive batteries are exempt from the ban
 - Council Resolution on cadmium is mentioned (refers to substitution principle).
- Producers are responsible for financing the collection, treatment and recycling of the batteries.
- EU Member States will have Collection and Recycling Schemes for all end of life batteries with binding targets (75% recycling efficiency for NiCds).
- EU Member States will have to organise the financing of collection and recycling schemes for spent batteries.
- Both the Parliament and member states will have another chance to vote on the draft Directive but text agreed by conciliation are rarely rejected.
- Entry into force and transposition – the Directive enters into force on the day it is published in the Official Journal (during the course of 2006)

Regulatory Affairs – North America

Status of U.S. EPA Framework for Metals Risk Assessment

- The Scientific Advisory Board's (SAB) review of the *Framework for Inorganic Metals Risk Assessment, Peer Review Draft* has now been considered by the U.S. EPA, and responses made to the criticisms outlined in the previous ICdA Progress Report. In a major victory for the cadmium and metals industries, a letter of April 3, 2006 from EPA Administrator Stephen Johnson to the Chairman of the Science Advisory Board states:

“The Agency also acknowledges the SAB’s concurrence with the draft Framework recommendation that while it is important to consider bioaccumulation as part of an assessment of a metal, use of bio-accumulation factors and bioconcentration factors are not scientifically supported for use as generic threshold criteria for the hazard assessment of metals.”
- This statement will be very helpful in refuting attempts to apply PBT criteria for the hazard assessment of metals at U.S. State levels and in other countries.

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- The draft Framework has yet to complete more internal review at EPA and a final Framework is not expected to be issued until the fall 2006. Two of the five reviewers for the Final EPA Framework are well known to industry and are believed to be supportive of industry viewpoints.
- Issues do remain concerning the “human health PBT” theory involving bioaccumulation in humans and how to treat this issue.
- ICdA remains involved with NAMC to oppose the application of PBT principles to metals and utilizing them as the basis for regulation of metals.

Industry Lawsuit Against U.S. EPA Toxic Release Inventory (TRI) Rule for Lead

- As previously reported, the District of Columbia District Court decision that EPA was not required to follow any particular methodology in establishing the TRI reporting threshold for lead could have repercussions for the cadmium and other metals industries and lead to a possible lowering of the reporting thresholds for cadmium. In view of the lower cadmium reporting threshold adopted in the past few years in Canada, such a move now appears more likely. In addition, the “human health PBT” bioaccumulation issue discussed above may provide the EPA TRI Office with yet another basis upon which to lower the cadmium reporting threshold since cadmium is known to have a long residence time in humans and to “bioaccumulate.”
- Because of all of the above stated reasons, the ICdA will continue to follow closely any developments in the lead TRI case and watch for any initiatives by EPA’s TRI Office to propose a lowering of the cadmium reporting threshold.

USA State Programs, Legislation and Regulation Affecting Cadmium Products

- It must be noted with some concern that an increasing number of USA state initiatives are based on and incorporate many of the principles of some of the more extreme EU proposals regarding cadmium, cadmium products; the precautionary principle, mandatory substitution, phase-outs and similar measures. For example, WEEE-type legislation requiring electronic waste recycling has been proposed or established in Maine, Maryland, Washington and California (but only California’s legislation contains the specific cadmium content prohibitions embodied in the EU’s ROHS Directive). However, the USA, in general, still prefers voluntary initiatives in most arenas and mandates collection and recycling rather than product bans.
- The ICdA is preparing a review paper on USA State programs, legislation and regulation affecting cadmium products. This will be presented to the membership when finalized.

Regulatory Affairs – International

UNECE Heavy Metals Protocol

- ICdA has been heavily involved during with the Sufficiency and Effectiveness Review of the UNECE Heavy Metals (HM) Protocol related to heavy metal products and the extent to which they should be included in the HM Protocol. Thus far, only lead in

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gasoline and mercury in non-rechargeable batteries are subject to mandatory product restrictions.

- Sweden and Netherlands have been proposing far more sweeping product restrictions on cadmium-containing products, while the United States, Canada and Industry have strongly opposed these restrictions. Industry's principal argument has been that cadmium products account for only a very small amount (<2%) of total cadmium air emissions, occur mainly during the incineration of cadmium-containing products, and are already well-controlled by the application of best available technology (BAT) on point sources such as incinerators, smelters, and refineries.
- As the lead country, Sweden has already prepared several drafts of the Products and Product Groups chapter which emphasize prohibitions, ignore collection and recycling, and exaggerate the contributions of products to total cadmium air emissions. Working closely with Canada and the USA delegations, ICdA has prepared several rounds of comments, supplied additional data, and written alternate text to try to produce a chapter more acceptable to everyone and more balanced in its viewpoints.
- A reconciliation of viewpoints has not been possible. The next workshop scheduled for May 9-12, 2006 in Ottawa, Canada. Therefore the entire section which discusses the approach to be adopted for other lead and cadmium-containing products (those not already specifically enumerated in the original HM Protocol) will be debated at this workshop. Probably a decision will only be reached at the September 2006 meeting of the Working Group on Strategies and Review (WGSR), the more political part of the UNECE hierarchy which determines policy.
- There are four other chapters being simultaneously prepared for the Sufficiency and Effectiveness Review of the UNECE HM Protocol. These include the following:
 1. Overview of emissions of heavy metals (Pb, Cd and Hg). However, also As, Cr, Cu, Ni, Se and Zn are presented. Industry must determine if the values being generated by the UNECE organization, EMEP, compare well with values determined by industry and contained in the EU risk assessments.
 2. The effects of deposition of heavy metals.
 3. Modeling and mapping of critical loads and exceedences for Pb, Cd and Hg. This modeling approach is being pushed by some EU countries, but not by the USA and Canada. There are also many in the scientific community who feel that it contains too many assumptions and can too easily be manipulated to yield whatever result one wants.
 4. Assessment of technological developments regarding best available technology (BAT) to control point source air emissions.

Each of these areas contain discussions relevant to cadmium but ICdA has been able only to concentrate on the Products and Product Groups issue. ICMM and other metals industry groups have been addressing some of these issues on behalf of metals in general but not cadmium specifically.

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UNEP Heavy Metals Program

- The program involves the gathering of information on Pb and Cd and the establishment of a Task Force to determine the need for global action on Pb and Cd. Certain countries are trying to utilize this forum to once again propose international restrictions on cadmium products.
- The ICdA has submitted extensive information on cadmium to UNEP.
- C Boreiko of ILZRO, J Atherton of ICMM and L Regoli of ICdA have been appointed as members of the UNEP Working Group on Pb and Cd thus ensuring good industry representation.
- To date, 29 countries, 5 intergovernmental organizations, and 2 non-governmental organizations have submitted information to the Pb and Cd dossiers. As expected, submissions by the Nordics, especially Sweden, have been substantial. The UNEP suggested time schedule for this activity is as follows:
 1. June-July 2006: Prepare and distribute papers, including revised draft scientific reviews on lead and cadmium, for a meeting of the working group.
 2. September 2006: Convene meeting of the working group to finalize the drafts of the scientific reviews on lead and cadmium.
 3. September-October 2006: Finalize report to UNEP Governing Council at its twenty-fourth session.
 4. February 2007: Consideration of scientific reviews on lead and cadmium at the Governing Council's twenty-fourth session.

Intergovernmental Forum on Chemical Safety (IFCS) Heavy Metals Proposed Program

- The IFCS V Meeting to be held in Budapest, Hungary, September 24-29, 2006. A side event on heavy metals is foreseen, focusing on the negative effects of Hg, Cd and Pb with "a goal to convince policy makers on the urgent need to start global action to reduce harmful heavy metal emissions."

The objectives duplicate to a large extent work already being carried out under the UNECE LRTAP program, the UNEP Heavy Metals Program, and possibly even others such as SAICM which are also being advanced at this time.

- ICMM has requested to participate at this meeting and has blocked a time slot for a presentation. ICdA will coordinate with ICMM for attendance and to provide the relevant information for the presentation.

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